Application No. 10/617,097
Amendment dated February 27, 2007
Reply to Office Action of November 27, 2006

wireless device in the Ephraim reference can be used to control or manage the prepaid billing management system, the Ephraim reference does not provide a wireless device to emulate a calculation method, as provided for in Claim 13. Rather, Ephraim appears to teach a prepaid billing system that intercepts a wireless communication to access data services and then allow the access based on the remaining account balance of the subscriber.

As such, the Applicant respectfully submits that each and every limitation of Applicant's independent claim 13 is not shown by the Ephraim reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection of independent claim 13 as well as those claims that depend therefrom.

§103 Rejection of the Claims

Claims 1-4, 6-8, 20-21, and 25

Claims 1-4, 6-8, 20-21, and 25 were rejected under 35 USC § 103(a) as being unpatentable over Hidem et al. (U.S. Patent No. 5,749,052) in view of Ephraim et al. (U.S. Publ. No. 2004/0077332 A1). Applicant respectfully traverses the rejection as follows.

Claim 1

With regard to independent claim 1 the Examiner states that Hidem clearly shows and discloses a controller that "tracks an amount of currency to be charged for the cellular communications based on the call rate information and the timer signal." (Page 7 of Office Action and Col. 2, lines 11-14 of Hidem)

However, independent claim 1 recites:

> plan usage is tracked by a provider through use of a calculation method utilizing unit calculations that are not equal to exact time usage to decrement available units.

The Hidem reference does not appear to describe a device that provides a wireless connection based upon a plan having a predetermined number of available units, where plan usage is tracked by a provider through use of a calculation method

Rev. 12/05

utilizing unit calculations that are not equal to exact time usage to decrement available units, as provided in claim 1. Nor does the Hidem reference appear to describe that the device is operable to emulate the calculation method of the provider in order to track the remaining available units on the device, as provided in claim 1. Rather, Hidem appears to teach a controller that stores call rate information and tracks the amount of currency to be charged based on the call rate information and the timer signal.

Also, the Examiner states that Hidem fails to specifically disclose that the cellular telephone performs the charging function of the administrator station. However, the Examiner cites the abstract and paragraphs 30-32 of the Ephraim reference as teaching a "device is operable to provide a wireless connection based upon a plan having a predetermined number of available units, wherein plan usage is tracked by a provider through use of a calculation method utilizing unit calculations that are not equal to exact time usage to decrement available units; and wherein the device is operable to emulate the calculation method of the provider in order to track the remaining units on the device."

The Ephraim reference appears to describe a provider's prepaid billing management system for a wireless device subscribing to a network. Although the wireless device in the Ephraim reference can be used to control or manage the prepaid billing management system, the Ephraim reference does not provide for a wireless device to emulate a calculation method, as provided for in Claim 1. Rather, Ephraim appears to teach a prepaid billing system that intercepts a wireless communication to access data services and then allow the access based on the remaining account balance of the subscriber.

From Applicant's review of the Ephraim reference, the reference does not cure the deficiencies of the Hidem reference. That is, the Ephraim reference does not teach or suggest, either individually or in combination with the Hidem reference, a device that is:

> operable to emulate the calculation method of the provider in order to track the remaining units on the device

as recited in independent claim 1.

As such, Applicant respectfully submits that the Hidem and Ephraim references, either individually or in combination, do not teach or suggest each and every element and limitation of independent claim 1. Accordingly, Applicant respectfully request reconsideration and withdrawal of the §103(a) rejection of independent claim 1, as well as those claims which depends therefrom.

Claim 20

With regard to independent claim 1 the Examiner states that Hidem shows and discloses an administrator station that "includes a second controller so that the administrator station can read information from the cellular telephone, program information into the cellular telephone and load a threshold amount of currency into the cellular telephone." (Page 12 of Office Action and col. 1, line 67 –col. 2, line 18 of Hidem)

However, independent claim 1 recites:

> plan usage is tracked by a provider through use of a calculation method utilizing unit calculations that are not equal to exact time usage to decrement available units.

The Hidem reference does not appear to describe a device that provides a wireless connection based upon a plan having a predetermined number of available units, where plan usage is tracked by the wireless network by utilizing a set of executable instructions operable to use a calculation method that uses <u>unit calculations that are not equal to exact time</u> usage to decrement available units, as provided in claim 20. Rather, Hidem appears to teach a controller that stores call rate information and tracks the amount of currency to be charged using the timer signal based on the call rate information.

Also, the Examiner states that Hidem fails to specifically disclose that the cellular telephone performs the charging function of the administrator station. However, the Examiner cites paragraphs 30-32 of the Ephraim reference as teaching

Rev. 12/05

a device "wherein the device includes a set of executable instructions operable to emulate the calculation method of the provider to track the remaining available units."

The Ephraim reference appears to describe a provider's prepaid billing management system for a wireless device subscribing to a network. Although the wireless device in the Ephraim reference can be used to control or manage the prepaid billing management system, the Ephraim reference does not provide for a wireless device that includes a set of executable instructions to <u>emulate</u> the calculation method of the provider to track remaining available units, as provided for in claim 20. Rather, Ephraim appears to teach a prepaid billing system that intercepts a wireless communication to access data services and then allow the access based on the remaining account balance of the subscriber.

From Applicant's review of the Ephraim reference, the reference does not cure the deficiencies of the Hidem reference. That is, the Ephraim reference does not teach or suggest, either individually or in combination with the Hidem reference, a device that is:

> operable to emulate the calculation method of the provider to track the remaining available units

as recited in independent claim 20.

As such, Applicant respectfully submits that the Hidem and Ephraim references, either individually or in combination, do not teach or suggest each and every element and limitation of independent claim 20. Accordingly, Applicant respectfully request reconsideration and withdrawal of the §103(a) rejection of independent claim 20, as well as those claims which depends therefrom.

Claims 5, 22-24, and 26

Claims 5, 22-24, and 26 were rejected under 35 USC § 103(a) as being unpatentable over Hidem et al. (U.S. Patent No. 5,749,052) in view of Ephraim et al. (U.S. Publ. No. 2004/0077332 A1) and in further view of Segal et al. (U.S. Patent No. 6,167,251).

Claim 5 depends from independent claim 1 and claims 22-24 and 26 depend from independent claim 20. For the reasons provided above, Applicant respectfully submits that the Hidem and Ephraim references do not teach or suggest each and every element and limitation of independent claims 1 and 20. The Segal reference does not cure the deficiencies of these references. That is, the Segal reference does not teach or suggest a device that is "operable to emulate the calculation method of the provider to track the remaining available units" as provided in Applicant's independent claims 1 and 20. As such, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection with respect to claims 5, 22-24 and 26.

Claims 15 and 16

Claims 15 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Ephraim et al. (U.S. Publ. No. 2004/0077332 A1) in view of Bagoren et al. (U.S. Patent No. 6,934,529). Claim 15 and 16 depend from independent claim 13. For the reasons provided above, Applicant respectfully submits that the Ephraim reference does not teach or suggest each and every element and limitation of independent claim 13. The Bagoren reference does not cure the deficiencies of this reference. That is, the Bagoren reference does not teach or suggest a device that "includes a set of executable instructions operable to emulate a calculation method of the first provider" as provided in Applicant's independent claim 13. As such, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection with respect to claims 15 and 16.

Claims 27-29

Claims 27-29 were rejected under 35 USC § 103(a) as being unpatentable over Ephraim et al. (U.S. Publ. No. 2004/0077332 A1) in view of Tysor (U.S. Patent No. 6,970,692 B2).

Rev. 12/05

Claim 27

With regard to independent claim 27 the Examiner states that Ephraim shows and discloses a calculation of debit with two parts that "in the first part, the component of the prepaid system, which actually receives the request from the user, calculates the debit in terms of "tokens", which are arbitrary internal units for charging for data transfer. Next, in the second part of the calculation process, the value of the 'tokens' is converted to a monetary value for debiting the account of the user, optionally according to particular characteristics of the user." (Page 22 of Office Action and paragraphs 30-32 of Ephraim)

However, independent claim 27 recites:

> A method for emulating a wireless provider's post paid plan on a pre-paid device, comprising: assigning a first number of available units, of access to a wireless connection, to be decremented based upon usage during a first time interval; assigning a second number of available units, of access to a wireless connection, to be decremented based upon usage during a second time interval

The Ephraim reference does not appear to describe a method for emulating a wireless provider's post paid plan on a pre-paid device that assigns a <u>first number of units</u> based on a <u>first time interval</u> and a <u>second number of units</u> based on a <u>second time interval</u>, as indicated in independent claim 27. Ephraim appears to describe a calculation method that translates money received into a single, constant token unit based upon the date, time, and location of the mobile station at the time of transfer and the class of service. Ephraim appears to create one type of token with varying monetary values based on particular characteristics of the user and does not assign a first and a second number of available units based on two different time intervals, as provided in claim 27.

Also, the Ephraim reference appears to describe a provider's prepaid billing management system for a wireless device subscribing to a network. Although the wireless device in the Ephraim reference can be used to control or manage the prepaid billing management system, the Ephraim reference does not provide a method for <u>emulating</u> a wireless provider's post paid plan on a pre-paid device, as

Rev. 12/05

Application No. 10/617,097
Amendment dated February 27, 2007
Reply to Office Action of November 27, 2006

provided for in claim 27. Rather, Ephraim appears to teach a prepaid billing system

that intercepts a wireless communication to access data services and then allow the

access based on the remaining account balance of the subscriber.

From Applicants review of the Tysor reference, the reference does not cure

the deficiencies of the Ephraim reference. That is, the Tysor reference does not

teach or suggest, either individually or in combination with the Ephraim reference:

> A method for emulating a wireless provider's post paid plan on a pre-
> paid device, comprising: assigning a first number of available units,
> of access to a wireless connection, to be decremented based upon
> usage during a first time interval; assigning a second number of
> available units, of access to a wireless connection, to be decremented
> based upon usage during a second time interval

as recited in independent claim 27.

As such, Applicant respectfully submits that the Ephraim and Tysor

references, either individually or in combination, do not teach or suggest each and

every element and limitation of independent claim 27. Accordingly, Applicant

respectfully request reconsideration and withdrawal of the §103(a) rejection of

independent claim 27, as well as those claims which depends therefrom.

Claims 30-32

Claims 30-32 were rejected under 35 USC § 103(a) as being unpatentable

over Ephraim et al. (U.S. Publ. No. 2004/0077332 A1) in view of Tysor (U.S. Patent

No. 6,970,692 B2) and further in view of Hidem et al. (U.S. Patent No. 5,749,052).

Claims 30-32 depend from independent claim 27. For the reasons provided

above, Applicant respectfully submits that the Ephraim and Tysor references do not

teach or suggest each and every element and limitation of independent claim 27.

The Hidem reference does not cure the deficiencies of this reference. That is, the

Hidem reference does not teach or suggest "a method for emulating a wireless

provider's post paid plan on a pre-paid device" as provided in Applicant's

independent claim 27. As such, Applicant respectfully requests reconsideration and

withdrawal of the §103(a) rejection with respect to claims 30-32.

Rev. 12/05

Application No. 10/617,097
Amendment dated February 27, 2007
Reply to Office Action of November 27, 2006

RECEIVED
CENTRAL FAX CENTER
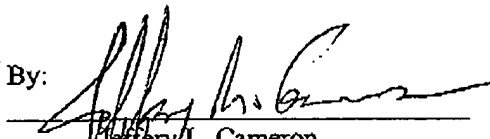
FEB 27 2007

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0121 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent Office facsimile number (571) 273-8300 on

February 27, 2007

Sarah L. Reinhard
Name

[signature]
Signature

Respectfully Submitted,
Daniel E. Kobylarz, et al.

By: _[signature]_

Jeffery L. Cameron
Attorney/Agent for Applicant(s)
Reg. No.: 43,527
Date: February 27, 2007
Phone: (612) 236-0121

Rev. 12/05